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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

LORI MARTIN, an individual,

Plaintiff,

vs.

KGDO HOLDING COMPANY, INC. a Domestic  
Corporation, doing business as TERRA WEST  
PROPERTY MANAGEMENT; DOES I through  
X, inclusive; ROE CORPORATIONS I through X,  
inclusive,

Defendants.

CASE NO:

**COMPLAINT FOR WRONGFUL  
TERMINATION  
[JURY TRIAL DEMANDED]**

COMES NOW, Plaintiff LORI MARTIN (hereinafter, "Plaintiff"), by and through her counsel, the law firm of Hatfield & Associates, Ltd., and alleges upon information and belief against the above-captioned Defendants as follows:

**PARTIES**

1. At all time relevant hereto, Plaintiff, residing in Las Vegas Nevada, was and is an individual residing in the State of Nevada and was employed at KGDO HOLDING COMPANY, INC. a Domestic Corporation, doing business as TERRA WEST PROPERTY MANAGEMENT (hereinafter "Defendant").

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1           2.       At all time relevant hereto, Defendant was a domestic corporation licensed to and  
2 conducting business in the State of Nevada, or is, based upon Plaintiff's information and belief, a  
3 corporate entity conducting business on a regular and continuing basis in Nevada. Defendant is  
4 engaged in the business of providing property management services.

5           3.       All acts which form the basis of this complaint occurred during Plaintiff's  
6 employment with Defendant.

7           4.       All of the acts alleged herein and or failures alleged herein were duly performed by  
8 and or are attributable to Defendant, acting by and through their agents and employees. Said acts  
9 and or failures to act were within the scope of said agency and or employment, and Defendant  
10 ratified said acts and or omissions.

11           5.       Defendant regularly employs fifteen or more persons.

12           6.       The true names or capacities, whether individual, corporate, association or otherwise,  
13 of Defendants DOES I through X, and ROE CORPORATIONS I through X, are unknown to  
14 Plaintiff, who therefore sues said Defendants by such fictitious names. Plaintiff is informed and  
15 believes and therefore alleges that each of the Defendants designated herein as a DOE and a ROE  
16 CORPORATION are responsible in some manner for the events and happenings referred to and  
17 caused damages proximately to the Plaintiff as herein alleged. Plaintiff will ask leave of this Court to  
18 amend its Complaint to insert the true names and capacities of DOES I through X, and ROE  
19 CORPORATIONS I through X, when the same have been ascertained and to join such Defendants  
20 in this action.

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**JURISDICTION AND VENUE**

7. The jurisdiction of this Court is predicated upon 28 U.S.C. Section 1331 and 1343, to redress the unlawful deprivation of Plaintiff's rights secured, guaranteed and protected by federal law. Defendants are now and were at all time mentioned herein an "employer" of the Plaintiff within the definition of Title I and V or the American's with Disabilities Act of 1990, and amendments thereto, and 42 U.S.C. Section(s) 1201 et seq.; the Rehabilitation Act of 1973, and amendments thereto, and 29 U.S.C. Section 701, et seq.; and laws of the State of Nevada. The Court also has jurisdiction pursuant to 28 U.S.C. Sections 2201 and 2202 relating to declaratory judgments. This Court may also exercise pendant jurisdiction over Plaintiff's state law claims arising under the common law and statutes of the State of Nevada, and which arise from a common nucleus of operative fact pursuant to 28 U.S.C. Section 1367.

8. Venue is proper in the United States District Court for the District of Nevada pursuant to 28 U.S.C. Section 1391(b), wherein Plaintiff resides, all Defendants reside and/or regularly conduct business and where all the wrongful conduct occurred.

**ADMINISTRATIVE PREREQUISITES**

9. Plaintiff has complied with all the administrative prerequisites to action under Section 706 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Sections 2000e-5 as follows:

10. Plaintiff was temporarily disabled. She is a woman. She requested accommodation for her disability. She was denied and refused accommodation although her employer could have easily accommodated her, and Plaintiff endured hostility, discrimination, disparate treatment and retaliation in the workplace in violation of law. Plaintiff timely filed a formal charge of discrimination with the Equal Employment Opportunity Commission [hereinafter "EEOC"].

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1           11. Plaintiff promptly and diligently accommodated all EEOC requests for information  
2 and fully cooperated in the agency's investigation of this matter;

3           12. Plaintiff has exhausted all available administrative remedies in accord with the  
4 aforementioned statutes prior to instituting this civil action, and she received a Right to Sue that was  
5 sent from the EEOC on or about September 30, 2016, by mail. Plaintiff has timely filed this action.  
6 Plaintiff demands a jury trial of this case pursuant to Local Rule 38-1 and 28 U.S.C. Section 1411.  
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8                                   **FACTUAL ALLEGATIONS**

9           13. Plaintiff is a qualified individual with a disability within the meaning of the  
10 American's with Disabilities Act of 1990, and amendments thereto, and 42 U.S.C. Section 1201 et  
11 seq., the Rehabilitation Act of 1973, and amendments thereto, and 26 U.S.C. Section 701 et seq., and  
12 29 U.S.C. Section 2601 et seq.

13           14. Plaintiff was hired on April 14, 2014 as a paralegal and community manager for  
14 Defendant. She had a temporary medical condition that occurred in December, 2014. She was  
15 informed by her physician that she required to do physical therapy during working hours,  
16 temporarily. She informed Defendant of her doctor's requirement that she attend physical therapy  
17 sessions, and offered to engage in an interactive process with Defendant. Plaintiff was willing to  
18 work from home and to make up any missed time that she was away from work as an  
19 accommodation.  
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21           15. Defendant refused or failed to engage in any interactive process with my client to  
22 determine what accommodations could be made to enable Plaintiff to attend physical therapy  
23 appointments and continue to do her work for Defendant. Instead, Plaintiff was told that  
24 Defendant's counsel wanted Plaintiff to be present at work and would not be permitted to work from  
25 home and that she was being terminated because of her doctor's orders that she attend physical  
26 therapy appointments.  
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1           30. Defendant's retaliation and adverse treatment of Plaintiff was not based upon any  
2 medical justification or other reasonable reason and was discriminatory as to Plaintiff. Defendant  
3 adversely treated Plaintiff without just cause and because of her disability.

4           31. Such adverse employment actions by Defendant was in violation of the ADA.

5           32. As a result of Defendant's above-stated actions, Plaintiff has suffered deprivation of  
6 income in the form of wages and prospective benefits, promotion opportunities and job assignments  
7 due to her as an employee, and emotional pain and suffering, mental anguish, humiliation,  
8 embarrassment, indignity, and other intangible injuries in an amount to be proven at trial.

9           33. Plaintiff should be awarded punitive damages as well because of Defendant's  
10 extreme and outrageous conduct.

11           34. As a further result of Defendant's above-stated actions, it has been necessary for  
12 Plaintiff to obtain the services of the law offices of Hatfield & Associates, Ltd., to prosecute this  
13 action, and Plaintiff is entitled to reimbursement for those attorney's fees and costs which have been  
14 reasonably incurred.

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17                           **REQUEST AND PRAYER FOR RELIEF**

18           WHEREFORE, Plaintiff prays for judgment and damages against Defendant as follows:

19           1. Enter an injunction ordering Defendant to make Plaintiff whole with full back pay, and  
20 benefits and reinstatement of sick leave time that Plaintiff would have obtained in the absence of  
21 discrimination or, in the alternative, front pay;

22           2. An award to Plaintiff for compensatory damages in amount to be shown at trial for past  
23 and future economic and non-economic losses within this Court's jurisdiction subject to proof;

24           3. An award to Plaintiff for general damages, including but not limited to emotional distress  
25 damages, within this Court's jurisdiction subject to proof;

26           4. An award to Plaintiff for exemplary and/or punitive damages;  
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1           5. An award to Plaintiff for reasonable attorney's fees and costs, including but not limited to  
2 expert witness fees, and as provided under state law;

3           6. An award to Plaintiff interest on any awards at the highest rate allowed by law;

4           7. and Such other and further relief as this Court deems just and appropriate.  
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6 Dated this 28<sup>th</sup> day of December, 2016.

**HATFIELD & ASSOCIATES, LTD.**

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8 By: */s/ Trevor J. Hatfield*

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